

AMENDED IN ASSEMBLY JUNE 15, 2010

AMENDED IN ASSEMBLY JUNE 24, 2009

AMENDED IN SENATE MAY 28, 2009

AMENDED IN SENATE APRIL 29, 2009

AMENDED IN SENATE APRIL 14, 2009

## **SENATE BILL**

**No. 516**

**Introduced by Senator DeSaulnier**

(Coauthor: Assembly Member Torlakson)

February 26, 2009

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An act to add and repeal Article 4.5 (commencing with Section 18736) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, and to add Chapter 4 (commencing with Section 2200) to Division 2.5 of the Welfare and Institutions Code, relating to the California Youth Legislature.

### LEGISLATIVE COUNSEL'S DIGEST

SB 516, as amended, DeSaulnier. California Youth Legislature.

Existing law establishes the California Senior Legislature to provide model legislation for older citizens and advocate for the needs of seniors. This law establishes in the State Treasury the California Fund for Senior Citizens to receive contributions from tax return designations to support the sessions of the California Senior Legislature. Existing law authorizes individual taxpayers to contribute amounts in excess of their tax liability for the support of specified funds or accounts.

This bill would establish the California Youth Legislature, composed of students ages 14 to 18 years, inclusive, and, subject to specified considerations, ~~appointed by Members of the Legislature~~, to provide

model legislation and advocate for the needs of youth. The California Youth Legislature would be charged with examining and discussing policy and fiscal issues affecting the interests, needs, and conditions of the youth of California and ~~to with formally advise~~ *advising and make* making recommendations to the Legislature and the Governor on specific issues affecting youth. The bill would ~~authorize~~ *create the California Youth Legislature Advisory Committee, which would be chaired by the chair of the Joint Committee on Rules and composed of appointed representatives of organizations with expertise on issues facing youths, which, among other duties, would appoint members of the youth legislature. The bill would require the* ~~California Youth Legislature advisory committee~~ to enter into an interagency agreement with the Joint Committee on Rules to carry out necessary administrative functions. ~~If the Joint Committee on Rules~~ *The advisory committee also would be charged with determining when there are sufficient funds to support the program and if it determines that there are insufficient funds to cover all costs, the activities of the California Youth Legislature would cease.* ~~The~~

The bill would create in the State Treasury the California Fund for Youth to receive contributions from tax return designations to support the sessions of the California Youth Legislature. This bill would provide for the repeal of this contribution provision for this fund on January 1 of the 5th taxable year following the first appearance of the California Fund for Youth on the tax return or on January 1 of an earlier calendar year, if the Franchise Tax Board estimates that the annual contribution amount will be less than \$250,000, or an adjusted amount, as specified, for subsequent taxable years. The bill also would authorize the California Youth Legislature to accept gifts and grants from any source to help perform its functions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Article 4.5 (commencing with Section 18736) is
- 2 added to Chapter 3 of Part 10.2 of Division 2 of the Revenue and
- 3 Taxation Code, to read:

Article 4.5. California Fund for Youth

18736. (a) Any individual may designate on the tax return that a contribution in excess of the tax liability, if any, be made to the California Fund for Youth, which is established by Section 18737.

(b) The contributions shall be in full dollar amounts and may be made individually by each signatory on a joint return.

(c) A designation under subdivision (a) shall be made for any taxable year on the original return for that taxable year, and once made shall be irrevocable. In the event that payments and credits reported on the return, together with any other credits associated with the individual's account, do not exceed the individual's tax liability, the return shall be treated as though no designation has been made.

(d) If an individual designates a contribution to more than one account or fund listed on the tax return, and the amount available is insufficient to satisfy the total amount designated, the contribution shall be allocated among the designees on a pro rata basis.

(e) The Franchise Tax Board shall revise the form of the return to include a space labeled "California Fund for Youth" to allow for the designation permitted under subdivision (a). The form shall also include in the instructions information that the contribution may be in the amount of one dollar (\$1) or more and that the contribution shall be used to conduct the sessions of the California Youth Legislature and to support its ongoing activities on behalf of youth.

(f) Notwithstanding any other provision, a voluntary contribution designation for the California Fund for Youth shall not be added on the tax return until another voluntary contribution designation is removed.

(g) A deduction shall be allowed under Article 6 (commencing with Section 17201) of Chapter 3 of Part 10 for any contribution made pursuant to subdivision (a).

18737. There is hereby established in the State Treasury the California Fund for Youth to receive contributions made pursuant to Section 18736. The Franchise Tax Board shall notify the Controller of both the amount of money paid by taxpayers in excess of their tax liability and the amount of refund money that taxpayers have designated pursuant to Section 18736 to be transferred to the

1 California Fund for Youth. The Controller shall transfer from the  
2 Personal Income Tax Fund to the California Fund for Youth an  
3 amount not in excess of the sum of the amounts designated by  
4 individuals pursuant to Section 18736 for payment into that fund.

5 18738. All moneys transferred to the California Fund for Youth  
6 pursuant to Section 18736, upon appropriation by the Legislature,  
7 shall be allocated as follows:

8 (a) To the Franchise Tax Board and the Controller for  
9 reimbursement of all costs incurred by the Franchise Tax Board  
10 and the Controller in connection with their duties under this article.

11 (b) The balance to the California Youth Legislature, ~~for its to~~  
12 ~~be allocated for the ongoing activities on behalf of youth of the~~  
13 ~~California Youth Legislature.~~

14 (c) All moneys allocated pursuant to subdivision (b) of this  
15 section may be carried over from the year in which they were  
16 received.

17 (d) The funds allocated to the California Youth Legislature for  
18 the purpose of funding the activities of the California Youth  
19 Legislature shall be spent pursuant to the purview of the Joint  
20 ~~Rules Committee~~ *Committee on Rules* of the California Youth  
21 Legislature in a manner consistent with the bylaws of the California  
22 Youth Legislature, *created by the California Youth Legislature*  
23 *Advisory Committee*, established through a majority vote of the  
24 California Youth Legislature *Advisory Committee*.

25 18739. (a) This article shall remain in effect only until January  
26 1 of the fifth taxable year following the first appearance of the  
27 California Fund for Youth on the tax return, and as of that date is  
28 repealed.

29 (b) (1) By September 1 of the second calendar year, and by  
30 September 1 of each subsequent calendar year that the California  
31 Fund for Youth appears on a tax return, the Franchise Tax Board  
32 shall do all of the following:

33 (A) Determine the minimum contribution amount required to  
34 be received during the next calendar year for the fund to appear  
35 on the tax return for the taxable year that includes that next calendar  
36 year.

37 (B) Provide written notification to the California Youth  
38 Legislature of the amount determined in subparagraph (A).

39 (C) Determine whether the amount of contributions estimated  
40 to be received during the calendar year will equal or exceed the

1 minimum contribution amount determined by the Franchise Tax  
2 Board for the calendar year pursuant to subparagraph (A). The  
3 Franchise Tax Board shall estimate the amount of contributions  
4 to be received by using the actual amounts received and an estimate  
5 of the contributions that will be received by the end of that calendar  
6 year.

7 (2) If the Franchise Tax Board determines that the amount of  
8 contributions estimated to be received during a calendar year will  
9 not at least equal the minimum contribution amount for the calendar  
10 year, this article is repealed with respect to taxable years beginning  
11 on or after January 1 of that calendar year.

12 (3) For purposes of this section, the minimum contribution  
13 amount for a calendar year means two hundred fifty thousand  
14 dollars (\$250,000) for the second calendar year after the first  
15 appearance of the California Fund for Youth on the personal  
16 income tax return or the adjusted minimum contribution amount  
17 adjusted pursuant to subdivision (c).

18 (c) For each calendar year, beginning with the third calendar  
19 year that the California Fund for Youth appears on the tax return,  
20 the Franchise Tax Board shall adjust, on or before September 1 of  
21 that calendar year, the minimum estimated contribution amount  
22 specified in subdivision (b) as follows:

23 (1) The minimum estimated contribution amount for the calendar  
24 year shall be an amount equal to the product of the minimum  
25 contribution amount for the prior September 1 multiplied by the  
26 inflation factor adjustment as specified in paragraph (2) of  
27 subdivision (h) of Section 17041, rounded off to the nearest dollar.

28 (2) The inflation factor adjustment used for the calendar year  
29 shall be based on the figures for the percentage change in the  
30 California Consumer Price Index received on or before August 1  
31 of the calendar year pursuant to paragraph (1) of subdivision (h)  
32 of Section 17041.

33 (d) Notwithstanding the repeal of this article, any contribution  
34 amounts designated pursuant to this article prior to its repeal shall  
35 continue to be transferred and disbursed in accordance with this  
36 article as in effect immediately prior to that repeal.

37 SEC. 2. Chapter 4 (commencing with Section 2200) is added  
38 to Division 2.5 of the Welfare and Institutions Code, to read:

## CHAPTER 4. CALIFORNIA YOUTH LEGISLATURE

2200. (a) The Legislature finds and declares that the needs of California's youth can best be assessed by California's youth.

(b) The Legislature ~~recognizes~~ *recognizes that there are over 9,000,000 youths under the age of 19 years in California, and an additional 3,000,000 more young adults between the ages of 18 years and 24 years.*

(c) *The Legislature recognizes that all young people need five key developmental resources in order to become productive citizens: caring adults, safe places, a healthy start, an effective education, and opportunities to help others. The Legislature further recognizes that young people who receive more of these developmental resources fare better than young people who receive fewer, and that those young people are more likely to avoid violence, contribute to their communities, and achieve high grades in school. The Legislature further recognizes the significant number of California's youth who live disadvantaged lives. Of those youths, an estimated 200,000 minors and thousands more youths ages 18 years to 24 years, inclusive, experience homelessness each year. Another 80,000 youths are in the foster care system, over 2,500 youths in California currently occupy juvenile justice facilities, and more than 3,000 youths are on parole from those facilities. Youth who are homeless, in the juvenile justice system, or in foster care have limited opportunities to participate in the policies process that ultimately impacts their well-being.*

(d) *The Legislature recognizes that there are limited civic engagement opportunities for these disconnected and disadvantaged youths, especially opportunities developed and designed for and with them in mind.*

~~(e)~~

(e) The Legislature is alarmed that hundreds of thousands of California youth are among the two-thirds of America's children and youth recently identified by the America's Promise Alliance as not receiving sufficient developmental resources to safely put them on the path to adulthood. The Legislature also is concerned that the high school completion rate is less than 60 percent for low-income students and students of color in California, that gang and youth violence continue to be a concern and ~~that after years of declining numbers, teen pregnancy rates are also on the rise.~~

1 *although birth rates to teen mothers have decreased, “teen*  
2 *pregnancy and parenting” continues to be a significant social*  
3 *problem in California.* The Legislature is encouraged, however,  
4 by research indicating that providing more of the five  
5 developmental resources for more young people can help prevent  
6 many of these problems, and that millions of dollars in later prison,  
7 health, and welfare costs can be avoided by providing more  
8 developmental resources for more young people now.

9 (d)

10 (f) The Legislature also agrees with the America’s Promise  
11 Alliance’s call for greater collaboration and integration in working  
12 to turn failure into action and improve the lives of young people  
13 at risk and with the actions of the more than 20 states that have  
14 committed their state resources for the creation of statewide entities  
15 charged with improving the developmental well-being of their  
16 children and youth.

17 (e)

18 (g) The California Youth Legislature shall be established through  
19 this chapter and shall operate according to the procedures set forth  
20 in this chapter to provide model legislation and advocate for the  
21 needs of youth.

22 2201. (a) The California Youth Legislature shall be composed  
23 of two houses, the California Youth Senate, composed of 40  
24 members, and the California Youth Assembly, composed of 80  
25 members.

26 (b) Members of the California Youth Legislature shall serve  
27 two-year terms.

28 (c) Members of the California Youth Legislature shall be ages  
29 14 to 18, inclusive, and currently enrolled in a California junior  
30 high, middle, or high school, or participating in a nonpublic,  
31 home-based educational program or a general equivalency degree  
32 program.

33 2202. (a) The members of the California Youth Legislature  
34 shall be appointed by the Legislature, ~~with one member appointed~~  
35 ~~by each California Youth Legislature Advisory Committee.~~ *Each*  
36 *Member of the Senate and each Member of the Assembly may*  
37 *nominate one youth from his or her respective district to apply for*  
38 *the program.*

39 (b) Members of the Senate and Members of the Assembly, in  
40 making their *nominations, and members of the California Youth*

1 *Legislature Advisory Committee, in making their appointments,*  
2 *shall take into consideration that the members of the California*  
3 *Youth Legislature represent the racial, ethnic, socioeconomic,*  
4 *cultural, physical, and educational diversity of California. Particular*  
5 *emphasis should be placed on reaching out to at-risk or*  
6 *disadvantaged youth to serve as members of the California Youth*  
7 *Legislature, as their participation will provide keen insight to many*  
8 *of the issues that youth face in their day-to-day lives.*

9 2203. (a) ~~The California Youth Legislature shall have the~~  
10 ~~authority to define its program and utilize its funds in any way~~  
11 ~~necessary to carry out the duties of this chapter, as long as the~~  
12 ~~program or activity is not in violation of a state law or regulation.~~  
13 *Legislature's main policy goal will be to provide meaningful*  
14 *opportunities for actual civic engagement to improve the quality*  
15 *of life for California's disconnected and disadvantaged youth.*  
16 *Furthermore, youths involved with the California Youth Legislature*  
17 *will make meaningful recommendations regarding legislation and*  
18 *policies that impact their own lives and the lives of the thousands*  
19 *of other youths in California whose voices often go unheard.*

20 (b) The California Youth Legislature shall do all of the  
21 following:

22 (1) Examine and discuss policy and fiscal issues affecting the  
23 interests, needs, and conditions of the youth of California.

24 (2) Formally advise and make recommendations to the  
25 Legislature and the Governor on specific issues affecting youth,  
26 including, but not limited to, all of the following:

27 (A) Education.

28 (B) Employment.

29 (C) Access to state and local government services.

30 (D) The environment.

31 (E) Behavioral and physical health.

32 (F) Safety.

33 (G) Technology.

34 (H) Criminal justice.

35 (I) Homelessness.

36 (J) Foster care.

37 (K) Child welfare.

38 (L) Emancipation.

39 (M) Financial literacy.

40 (N) Substance abuse.

1 (O) Driver's license requirements.

2 (P) Poverty.

3 (Q) Increased youth participation in state and local government.

4 (R) Any other policy or fiscal issues deemed appropriate by the  
5 Youth Legislature.

6 (3) Consult with any existing local level youth advisory  
7 commissions and community-based, grassroots youth-led  
8 organizations for input and potential solutions on issues related to  
9 youth.

10 (4) *To complete its duties, the California Youth Legislature*  
11 *shall convene and conduct meetings according to its bylaws,*  
12 *created by the California Youth Legislature Advisory Committee*  
13 *to fulfill the intentions of this chapter.*

14 (c) The Youth Legislature shall act as an information center on  
15 California youth policy and fiscal issues, including, but not limited  
16 to, the issues listed in subdivision (b). *When available, funds shall*  
17 *be allocated to enable individual youths to travel to the State*  
18 *Capitol to learn the legislative process and, on occasion, to testify*  
19 *at hearings on legislation.*

20 2204. (a) ~~The~~ *The California Youth Legislature Advisory*  
21 *Committee shall be established and shall serve as the advisory*  
22 *board to the California Youth Legislature regarding the*  
23 *development, implementation, and administration of the program*  
24 *as provided in this chapter.*

25 (b) (1) *The California Youth Legislature Advisory Committee*  
26 *shall be chaired by the chair of the Joint Committee on Rules, or*  
27 *his or her designee. The Joint Committee on Rules shall appoint*  
28 *members of the California Youth Legislature Advisory Committee.*

29 (2) *The California Youth Legislature Advisory Committee shall*  
30 *be composed of, but not limited to, appointed representatives from*  
31 *statewide nonprofit youth organizations, community-based*  
32 *nonprofit organizations that serve youth or youth-related issues,*  
33 *and an appointed representative of a local education agency or*  
34 *school district or its appointed designee. The California Health*  
35 *and Human Services Agency may also, but is not required to,*  
36 *appoint a member of the California Youth Legislature Advisory*  
37 *Committee.*

38 (3) *To assure that members of the California Youth Legislature*  
39 *have the support they may need given their unique situation,*  
40 *members of the California Youth Legislature Advisory Committee*

1 *must have experience and training working with youths ages 14*  
2 *to 18 years, inclusive, on the issues described in subdivision (b)*  
3 *of Section 2203 and have special experience in civic engagement*  
4 *and advocacy and at least one of the following issue areas affecting*  
5 *youth:*

6 (A) *Crisis prevention or intervention.*

7 (B) *Drug, alcohol, and tobacco abuse prevention or intervention.*

8 (C) *Foster care.*

9 (D) *Juvenile justice.*

10 (E) *Homelessness.*

11 (F) *Lesbian, gay, bisexual, and transgender rights and social*  
12 *justice.*

13 (G) *Mental health.*

14 (c) (1) *The California Youth Legislature Advisory Committee*  
15 *shall determine the time, location, and number of annual meetings,*  
16 *but shall meet no less than four times per year.*

17 (2) *The California Youth Legislature shall enter into a mutually*  
18 *agreed-upon interagency agreement with the Joint Committee on*  
19 *Rules to carry out administrative duties related to its program. The*  
20 *interagency agreement shall provide for reimbursement to the Joint*  
21 *Committee on Rules for its administrative costs from funds*  
22 *available to the California Youth Legislature.*

23 ~~(b) The Joint Committee on Rules~~

24 (3) *The California Youth Legislature Advisory Committee shall*  
25 *submit an annual budget and report to the Joint Committee on*  
26 *Rules.*

27 (d) (1) *The California Youth Legislature Advisory Committee*  
28 *shall determine when there are sufficient funds to support the*  
29 *program. If the Joint Committee on Rules committee determines*  
30 *there are insufficient funds to cover all costs, the activities of the*  
31 *California Youth Legislature shall cease.*

32 ~~(e)~~

33 (2) *State funds shall not be used to support the California Youth*  
34 *Legislature except as provided in Article 4.5 (commencing with*  
35 *Section 18736) of Chapter 3 of Part 10.2 of Division 2 of the*  
36 *Revenue and Taxation Code.*

37 ~~(d) This section does not preclude the California Youth~~  
38 ~~Legislature from entering into mutually agreed-upon interagency~~  
39 ~~agreements for any subsequent fiscal year.~~

1     (e) (1) *The California Youth Legislature Advisory Committee*  
2 *shall develop and provide applications for the California Youth*  
3 *Legislature and collect applications from youths who have been*  
4 *nominated by legislators and other youths who would like to apply.*

5     (2) *The California Youth Legislature Advisory Committee shall*  
6 *provide legislators with information on the program to promote*  
7 *in their districts as well as provide outreach to various youth*  
8 *organizations to promote the program and make available*  
9 *applications.*

10    (3) *The California Youth Legislature Advisory Committee shall*  
11 *establish criteria for the selection of youths, collect applications,*  
12 *and make appointments based on the applications submitted and*  
13 *the purposes of this chapter.*

14    (4) *The California Youth Legislature Advisory Committee shall*  
15 *not discriminate based on race, religious creed, color, national*  
16 *origin, age, gender, marital status, sex, or sexual orientation.*

17    (f) *The California Youth Legislature Advisory Committee may*  
18 *develop criteria for granting of funds to a nonprofit agency with*  
19 *experience serving disconnected or at-risk youths to administer*  
20 *the California Youth Legislature or various duties required by this*  
21 *chapter.*

22    2205. (a) *The funds for the California Youth Legislature shall*  
23 *be allocated from the California Fund for Youth or private funds*  
24 *directed to the ~~Legislature~~ Joint Committee on Rules and allocated*  
25 *to the California Youth Legislature Advisory Committee for the*  
26 *purpose of funding activities of the California Youth Legislature.*

27    (b) *The California Youth Legislature may accept gifts and grants*  
28 *from any source, public or private, to help perform its functions,*  
29 *pursuant to ~~Section 2203~~ this chapter.*

30    (c) *The California Youth Legislature Advisory Committee shall*  
31 *have the authority to define its program and utilize its funds in*  
32 *any way necessary to carry out the duties of this chapter, as long*  
33 *as the program or activity is not in violation of a state law or*  
34 *regulation.*

35    (d) (1) *The California Youth Legislature Advisory Committee*  
36 *may grant funds to a nonprofit agency to administer the California*  
37 *Youth Legislature.*

- 1     (2) *No more than 5 percent of the grant award may be used for*
- 2     *administrative costs of the selected agency.*

O